

TO: Indiana General Assembly  
Legislative Council

FROM: William Alexa, Chairman  
Governor's Criminal Law Study Commission

RE: Issues Assigned to the Commission in 2002

In July 2002 the Council assigned seven issues for consideration by the Criminal Law Study Commission. Those issues and the Commission's action are outlined below.

**1. Repeat offender laws concerning probation (HR22)**

Commission members took testimony and considered proposals to address the issue raised in HR 22 in conjunction with the issue raised in SCR 39. The Commission's recommended language appears in HB 1367.

**2. Murder sentencing (HB 1320)**

Commission members discussed ongoing research being conducted by the Indiana Criminal Justice Institute. That research, which focuses on sentencing outcomes for murder cases, closely matches the work to be done by a commission proposed in HB 1320. Commission members determined that the objectives of HB 1320 could be achieved through the work already underway at CJI. It was later noted that IUPUI staff have joined as research partners in the study.

**3. Problems concerning criminal history reports (SCR 53)**

Commission members considered and recommended three proposals related to improving the administration of criminal history records.

- Law enforcement agencies may release criminal history information and collect a fee for the information only if they are reporting felony and Class A misdemeanor arrests to the central records repository (SB 311).
- Gun dealers may not sell a handgun to a prospective purchaser if a state police handgun background check is pending (SB 487).
- The distinction between criminal history and limited criminal history is eliminated (SB 315).

Commission members will undertake a more in depth review of existing law regarding expungement of criminal records.

**4. Interstate compact for adult offender supervision (SR 40)**

Commission members recommended that Indiana participate in the compact. No specific legislative language was approved by the Commission however two proposals have been introduced that reflect the Commission's recommendations - H.B. 1743 and S.B. 205

**5. Drug and alcohol abuse treatment programs for criminal offenders (SCR 38)**

This issue is scheduled for consideration by the Commission in early 2003.

**6. Procedures dealing with probation and parole in Indiana's corrections system (SCR 39)**

Commission members took testimony and considered proposals to address the issue raised in HR 22 in conjunction with the issue raised in SCR 39. The Commission's recommended language appears in HB 1367.

**7. Review impact of recent U.S. Supreme Court decisions regarding the death penalty on Indiana death penalty statutes.**

Commission members had lengthy discussion regarding this issue and did not reach a strong consensus however by a narrow margin approved proposed language which has not been introduced.